



EPW

Docket No.: TIMK 8694US

Date: Aug. 21, 2006

In re application of: Glenn R. Fahrni, Jr. et al	
Serial No.: 10/669,180	Group No.: 3682
Filed: Sept. 22, 2003	Examiner: Krause, Justin M.
For: BEARING ARRANGEMENT FOR A VEHICLE DIFFERENTIAL	

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL


Transmitted herewith is:

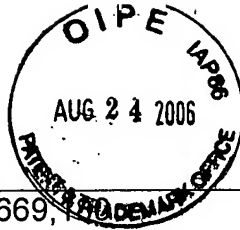
- ☒ An amendment/Election of Species in the above-identified application;
- ☒ No additional fee is required.

Small Entity Status:

- ☐ Applicant claims small entity status.
- ☒ Applicant DOES NOT claim small entity status.

The Commissioner is hereby authorized to charge any additional fees or credit overpayment under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account 162201. *Duplicate copies of this sheet are enclosed.*


Edward A. Boeschenstein
Registration No: 22,986



Appl. No.	:	10/669,111
Applicant	:	Glenn R. Fahrni, Jr. et al.
Filed	:	September 22, 2003
Title	:	BEARING ARRANGEMENT FOR A VEHICLE DIFFERENTIAL
TC/A.U.	:	3682
Examiner	:	Krause, Justin M.
Conf. No.	:	4088
Docket No.	:	TIMK 8694US

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ELECTION OF SPECIES

Sir:

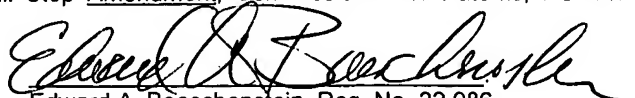
This paper responds to the official action of July 21, 2006, in the above-designated patent application. That official action divides the invention into three species, which it identifies by Figs. 5, 10 and 11, and requires applicants to elect one on which to have the prosecution initially proceed.

Applicants find the selection offered by the examiner somewhat confusing and question whether any election needs to be made at all. Species 1, to which the examiner assigns Fig. 5, is simply a cup for a bearing and as such is a part in an overall combination. Nowhere do the drawings depict that part used alone – all describe and show it fitted with a locking ring. Thus, it would seem the Fig. 7, which shows the cup with a locking ring attached to it, would be more representative of a species than the isolated cup of Fig. 5. After all, the purported species of Figs. 10 and 11 each include locking rings as well.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on August 21, 2006.

8-21-06

Date of Signature


Edward A. Boeschstein, Reg. No. 22,986

Even so, most of the claims do not call for a locking ring on the cup, so if somehow one considers Fig. 5 to represent a species, then claims 1, 3-10, 16-23 and 45 read on that species in the sense that they do not require a locking ring. Indeed, all of those claims are generic. On the other hand, if Fig. 7 represents the species that the examiner has under consideration, then claims 2, 11-15, 24-30 should be added to the previously designated claims.

To fulfill the requirement for election of species, applicants elect the species of Fig. 5. The claims that read on that species have already been identified. But if the examiner, upon further assessment, concludes that Figs. 5 and 7 represent a single species, then applicants elect that species. Claims 1-30 and 45 read on the Figs. 5 and 7 species.

Applicants make this election of species with traverse, because the selection offered by the examiner is ambiguous. Is the species of Fig. 5 part of what is depicted in Fig. 7 or is Fig. 7 a new species? Where does Fig. 7 stand?

Applicants do not believe that this paper requires any fee, but if one is necessary, the Patent Office is authorized to charge it against Deposit Account No. 162201.

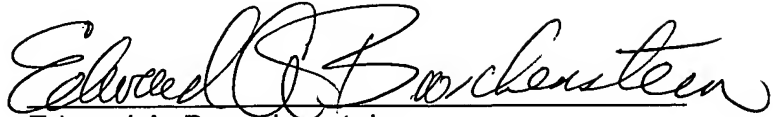
In view of the foregoing, examination of all claims 1-30 and 45 on their merits is respectfully requested.

Appl. No. 10/669,180

Applicable Office Action dated July 21, 2006

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Respectfully submitted,

A handwritten signature in cursive script, reading "Edward A. Boeschenstein". The signature is written in dark ink and is positioned above the printed name.

Edward A. Boeschenstein

Reg. No. 22,986

Polster, Lieder, Woodruff

& Lucchesi, L.C.

12412 Powerscourt Drive, Suite 200

Phone: (314) 238--2400

Fax: (314) 238-2401

E-mail: eboeschenstein@patpro.com